

# EXHIBIT B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE HERALD, PRIMEO, AND THEMA  
FUNDS SECURITIES LITIGATION

ECF Case

Case No. 09 Civ. 0289 (RMB) (HBP)

**PROPOSED ORDER**

For the reasons stated in Lead Plaintiff Neville Seymour Davis's partial objection to the Court's October 5, 2009 Order (the "Order"), the Court grants Mr. Davis's request to amend the Order and further orders that:

1. the portion of the Order appointing Murray, Frank & Sailer LLP as Lead Counsel in *Perrone v. Benbassat*, No. 09 Civ. 2558 (RMB) (HBP), is withdrawn (*see* Dkt. No. 60 at 17);  
and

2. Johnson Bottini, LLP is appointed as sole Lead Counsel in the *Perrone* action.

Dated: New York, New York  
October \_\_, 2009

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RICHARD M. BERMAN, U.S.D.J.